UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,673	02/07/2002	Viktor Kaptelinin		7150

7590 03/26/2008

Victor Kaptelinin
Mariehemsvagen 13A
Umea, 90654
SWEDEN

EXAMINER	
HUYNH, BA	

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/067,673	KAPTELININ, VIKTOR	
	Examiner	Art Unit	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3,5,6,14-18,20,24,26 and 28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3,5,6,14-18,20,24,26 and 28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 3, 5, 6, 14-18, 20, 24, 26, 28 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,803,930 (Simonson).

- As for claims 3, 20: Simonson teaches a computer implemented method and corresponding apparatus for displaying information in a window on a display device, the window displays only part of its related information, comprising the steps/means for:

  providing a window for displaying a portion of a document (fig 8, 10-14),

  providing scrollbar for scrolling the window,

  displaying in the window a first portion (called portion A) of the document,

  scrolling the window to a second portion (called portion B) of the document (the first portion A become a "previously viewed portion", and the second portion B become "the newly presented portion" after scrolling. See 2:23-33, 9:33-35. Note that the term "previously viewed portion" implies the actual display of document portion for user viewing, i.e., the user actually spends time to view the displayed information, i.e., the document portion has been displayed after a predetermined amount of time as oppose to successively displaying of disjoint portions in scroll through. See descriptions of figures 7, 8 and 11),

causing a visual clues (1001, 1010, 1020, 1030, 1102, 1112, 1201, 1202, 1304), visually distinguishing new information from old information that overlaps from the first portion A,

to be displayed in the window after scrolling from the first portion A to the second portion B so that the distinguishing visual clues do not obstruct the view of the new information (see description of figures 10-14), and disable the visual clues after a first predetermined amount of time (9:27-32; 10:1-7). Simonson further teach *an improvement* such that the displaying of the visual clues is delayed until the newly presented portion B is displayed for more than a predetermined amount of time. The improvement help to avoid persistent background tinting of the previously display content which causes user distraction when scrolling quickly through the content. Simonson fails to clearly teach displaying of the visual clue if it is determined that the previously displayed portion had been displayed for more than a predetermined amount of time (i.e., Simonson teaches displaying the visual cue if it is determined that the newly presented portion B has been displayed for more than a predetermined amount of time, instead of it is determined that the previously presented portion A has been displayed for more than a predetermined amount of time). However, since the "previously viewed portion" has been actually displayed for more than a predetermined amount of time for viewing by the user, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the visual clue if it is determined that the previously displayed portion A had been displayed for more than a predetermined amount of time to Simonson. Motivation of the combining is for avoiding the time delay.

- As for claims 5-6: The visual clues provide visual de-emphasis and visual emphasis (9:23-10:7).

- As for claim 14: The visual clues provide visual de-emphasis and visual emphasis at a rectangular user focus area bounding a line or several lines (9:35-41).
- As for claim 15: The document can be scrolled in line-by-line increment toward the top or bottom of the window, wherein the Y coordinate of the screen pointer is equal to the Y coordinate of the bottom/top of the effective area (2:42-3:42).
- As for claim 16: The user may define an effective area by using cursor input device (8:15-32).
- As for claims 17, 26: The user may specify the parameter of the visual clues. The parameters include time threshold, display attributes, etc… (8:15-32).
- As for claim 18: The window is resizable. The visual clues adjusted to the size of the window (11:14-21).
- As for claim 24: The markers are displayed responsive to detected scrolling input event, direction, scrolling increment (see explanation of figures 10-14).
- As for claim 28: The directional visual clues are enabled when the second portion is the last portion of the window related information (9:3-13).

Response to Arguments

REMARKS:

Simonson teaches *an improvement* such that the displaying of the visual clues is delayed until the newly presented portion B is displayed for more than a predetermined amount of time. The improvement help to avoid persistent background tinting of the previously display content which causes user distraction when scrolling quickly through the content. Thus the visual

clue will not be displayed if the newly presented portion is not the intended target, such as in disjoint scrolling. In contrast, in the applicant's invention, the visual clue is displayed regardless whether the newly presented portion is the intended portion or not. This distraction is what Simonson trying to improve. Simonson fails to clearly teach displaying of the visual clue if it is determined that the previously displayed portion had been displayed for more than a predetermined amount of time (i.e., Simonson teaches displaying the visual cue if it is determined that the newly presented portion B has been displayed for more than a predetermined amount of time, instead of it is determined that the previously presented portion A has been displayed for more than a predetermined amount of time). However, since the "previously viewed portion" has been actually displayed for more than a predetermined amount of time for viewing by the user, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the visual clue if it is determined that the previously displayed portion A had been displayed for more than a predetermined amount of time to Simonson. Motivation of the combining is for avoiding the time delay.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In re Bozek, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969) ("Having established that this knowledge was in the art, the examiner could then properly rely, as put forth by the solicitor,

on a **conclusion of obviousness from common knowledge and common sense of the person of ordinary skill in the art** without any specific hint or suggestion in a particular reference.'"); *see also* In re Hoeschele, 406 F.2d 1403, 1406-07, 160 USPQ 809, 811-812 (CCPA 1969) ("[I]t is proper to take into account not only specific teachings of the references but also the inferences which one skilled in the art would reasonably be expected to draw therefrom. . . ").

"**Common sense** teaches . . . that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle…A person of ordinary skill is also a person of ordinary creativity, not an automaton." KSR, 127 S. Ct. at 1742, 82 USPQ2d at 1397.

"Analysis of whether the subject matter of a claim would have been obvious need not seek out precise teachings directed to the specific subject matter of the challenged claim, for a court **can take account of the inferences and creative steps that a person of ordinary skill in the art** would employ." KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007) quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336-37 (Fed. Cir. 2006); Also, as clarified in KSR, it's now apparent "obvious to try" may be an appropriate test in more situations than previously contemplated. KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

When there is motivation: "…to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a

combination was obvious to try might show that it was obvious under §103." KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

"The combination of familiar elements according to known methods is likely to be obvious when it does **no more than yield predictable results**." KSR Int'l v. Teleflex Inc., 127 S.Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (2007).

In this case, since the "previously viewed portion" has been displayed for viewing which is more than a predetermined amount of time, it would have been a common sense to implement the displaying of the visual cue based on the "previously displayed portion" to avoid delay. Such implement have a clear predictable result of displaying the visual cue responsive to scrolling.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The formal fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
3/18/08

/Ba Huynh/

Primary Examiner, Art Unit 2179